



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

SME:DGR/MRG/JOE
F. #2021R00923

*271 Cadman Plaza East
Brooklyn, New York 11201*

December 5, 2023

By ECF

The Honorable Eric Komitee
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Braden John Karony et al.
Criminal Docket No. 23-433 (EK)

Dear Judge Komitee:

The government writes in connection with the above-captioned matter concerning the defendants' pending requests for telephonic appearances. On December 4, 2023, defendants John Karony and Thomas Smith each filed requests to appear telephonically at the December 6, 2023 status conference. See Smith Request, ECF No. 27; Karony Request, ECF No. 29. As Smith's counsel correctly noted in his letter, the government takes no position on the request for a telephonic appearance; rather, the government defers entirely to the Court on this request.

Karony's letter to the Court misstated the government's position in multiple material respects. The letter asserts that "[t]he Government indicated that Mr. Karony has no right to participate in the conference before Your Honor because he has not yet made an appearance or been arraigned in this District, but that the Government has no objection to a request that he be allowed to participate by telephone." Karony Request, ECF No. 29 at 1-2. He further claimed that "the Government now adopts the position that, due to his continuing detention in Utah, Mr. Karony does not possess the right to appear at Your Honor's status conference in this case." Id. at 2.

The government has taken none of the positions described by counsel, and does not do so now.¹ At no point has the government addressed Mr. Karony's "right to participate in

¹ Prior to filing this letter, the government flagged this discrepancy for defense counsel, and defense counsel asked that the government submit this email correspondence to the Court, which it does here.

the conference,” let alone asserted that he has none. The government detailed for counsel its understanding that tomorrow’s conference was scheduled for Mr. Smith, as Mr. Karony has not yet made an appearance in this district. But as noted above, and consistent with the request filed by co-defendant Smith, the government takes no position on Mr. Karony’s request for a telephonic appearance. See ECF No. 29. The U.S. Marshals Service has confirmed that they can facilitate Mr. Karony’s telephonic appearance if approved by the Court.

Finally, should the Court permit the requested telephonic appearances, the government respectfully requests that the Court first confirm the defendants’ consent to appear remotely. See Fed. R. Crim. P. 10(c). As to Mr. Karony, the government respectfully requests that the Court arraign Mr. Karony on the Indictment.

Respectfully submitted,

BREON PEACE
United States Attorney

By: /s/
Drew G. Rolle
Matthew R. Galeotti
John O. Enright
Assistant U.S. Attorneys
(718) 254-7000

Enclosures

cc: All Counsel of Record (by ECF)
Clerk of Court (by ECF)